

# *Town of Stony Point*

## Department of Planning

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### **PLANNING BOARD MINUTES JUNE 26, 2014 RHO BUILDING at 7:00 P.M.**

**Present:**

Eric Jaslow, Member

Peter Muller, Member

Michael Puccio, Member

Gene Kraese, Member

Gladys Callaghan, Member - absent

Gerry Rogers, Member

Michael Ferguson - Member

Thomas Gubitosa, Chairman

Stephen Honen, Esq.

Special Counsel

Max Stach

Town Planner

### **PLANNING BOARD AGENDA JUNE 26, 2014 RHO BUILDING at 7:00 P.M**

**Public Hearing:**

1. Tractor Supply – SBL 20.04-11-1 Site Plan Conditional Use, located on the north side of 9W in the Stony Point Shopping Center

**OTHER BUINESS:**

Accept minutes of May 22, 2014

Michael Puccio recused himself from Tractor Supply application.

Chairman: First item on the agenda is a Public Hearing for Tractor Supply Mr. Emanuel.

Mr. Emanuel: Last time we were here was the May 22<sup>nd</sup> meeting we sent a favorable recommendation to the Town Board for the necessary Text Amendment to allow outdoor sales and storage. That Text Amendment was approved by the Town Board this past Tuesday so it is

now part (inaudible). This Board has asked for a number of changes in the Site Plan in addition we appeared in front of the ARB and was approved. The only other item I want to make sure we have we have done a Parking Study and I emailed it to the Clerk this afternoon. I have printouts of them if you need. What I handed out is just the narrative portion of the study it does not include the tables they were emailed to the Clerk earlier today. Bottom line on the Parking Study was that we went at the parking lot as it currently exists take a look and see how much of the parking lot is being used under current conditions and extrapolate from that from that what the use would be if all the stores in the shopping center were used and extrapolate further from that to the situation we are presenting to you that is the additional space for the outdoor storage unit and loss of the parking area and what he found from there was that we are looking at approximately 54 percent of the parking area being used at the full building. He further goes on to say only till you reach 85% usage that you have to be concerned that you will run out of parking spaces so you have a very big cushion I am submitting this Parking Study in order to support our quest to reduce the number parking spaces by approximately 22%.

Alberto Vadia representing for Landlord/Owner of Property

Mr. Vadia: I am going to explain to you we worked at the TAC Meeting and the ARB Meeting to really comply with everything the Town wanted a really quick overview. This fence is going to be aluminum is this color black and there also will be brick columns and that brick is going to be the same exact brick as the specifications in the plans. It is the brick we use in all the building to create continuity and it does not look different. In addition we upgraded from Tractor Supply usual fence and we took a lot of your comments and we added that to our plans. I am going over the comments from the ARB and the Planning Board and our TAC Meeting and how we addressed them. So first the ARB wanted a landscape plan and wanted Boxwoods specifically because it is a plant that has leaves year round and looks good and doesn't need a lot of water we made those changes right here and thing a tree was requested here and we added that as well and that was essentially from the ARB the changes we made. For the Planning Board regarding landscaping a lot of you went to the site visit you had a concern that along 9W (inaudible) we were happy to work with you and see this come along.

Chairman: Thank you Alberto.

Mr. Emanuel: The only other thing I would like to address and of course we would be happy to address any questions from the Board and the Public is the County Planning Department Memo two of them the first one the latest on is June 16, 2014 that refers back to May 7, 2014 memo and I will get back to that in a moment and they say that sheet T1 must be updated with a site location map and legal description that correctly illustrates the parcel in question I believe that we have fixed that and I believe that it has been fixed and if it has not been fixed obviously we will. It was a computer problem it had a property in Queens I think it was. So you can see that has been addressed so that item number two is not a problem. Going back to the May 7, 2014 letter item one I am going to take item one and two together one is the review should be completed by the New York State DOT and require permits obtained and number two the comments of Rockland County Highway Department letter of April 23, 2014 must be met and all required permits be obtained. DOT and County Highway Department both indicate that they wanted a Traffic Study frankly I think this is nonsense I think this is an attempt to get the applicant to pay for something County Highway Department Transportation Department should be doing on their own. This is not a brand new Shopping Center this is a Shopping Center that has been empty for quite some time because when Stop and Shop closed it is being revitalized and a little bit of extra square footage that we are putting in is not going to have a significant impact we all know this just because we know this on that intersection. The intersection by the way is a signalized intersection Filors and Route 9W I checked that just before this meeting as I was coming here just to make sure the main entrance to this Shopping Center is at that traffic signal and not for nothing not too long ago you guys handled a fairly big Shopping Center right across the street were Annie's used to be where there is now a CVS and a Sterling Bank now. I know that the traffic study was done at that time so it is frankly ridiculous and so I would ask the Board to override items one and two of that May 7, 2014 letter. Three asks for additional evergreen landscaping along 9W and 202 and we have provided that we have talked about that. Also the signage shall be indicated on the Site Plan to the sign standards if in fact we do need to come in for an application for signs we will deal with it at that time.

Chairman: Thank you Mr. Emanuel before I get the Public Hearing does the Board have any comments? Bill do you have any comments?

Mr. Sheehan: The portion of the landscaping between the Bank and the outdoor storage, one the guide rail are you pulling out that guide rail?

Mr. Vadia: We do not have plans on pulling out that guide rail.

Mr. Sheehan: We are putting the plants up against the fence.

Mr. Vadia: The plan we found.

Mr. Sheehan: I thought correct me if I am wrong I thought we were doing something along Route 9W I thought we were doing some type of plants.

Mr. Vadia: We were going to throw a hedge up regards to guide rail I would have to get back to you on that we could definitely make a note.

Mr. Emanuel: What is the recommendation?

Mr. Sheehan: I thought when we discussed it that my impression was I kind of had a vision of some type of planting between the fence and the curb line we even talked about putting in a curb and making a planting. Eric suggested if we had to shorten up the storage by one or two feet to get a two or three feet island basically to put plants in there. What I am hearing tonight is it sounds to me if I am wrong correct me that we are putting hedges in front of the guide rail or behind it one or the other.

Mr. Kraese: That picture looks like it is on the other side of the rail.

Mr. Vadia: In answer to your question sir the main concern at that meeting was putting a separation there. One of the suggestions was planters another was creeping ivy so this is from different individuals I remember I do have plans there. Essentially something to separate the bank and outdoor storage and that is what we attempted to do here we can make a note to take out the guide rail.

Mr. Sheehan: I am just curious how you are going to plant (inaudible).

Mr. Vadia: We are going to plant in.

Mr. Sheehan: So you are going to put in a curb in or anything? Is there a curb there now or just a guide rail sticking in the pavement? You are going leave the guide rail or take it out basically you are going to cut a trench to put in.

Mr. Vadia: Yes that is a good possibility.

Mr. Kraese: Well being involved that I was there kind of make sense to take the guide rail out for some safety reason there is so kind of a curb there of some sort.

Mr. Sheehan: I went by there after our TAC Meeting.

Mr. Kraese: Alberto do you have a problem taking out that guide rail?

Mr. Vadia: We shouldn't have a problem taking out that guide rail if that you want.

Mr. Kraese: After all we have been through and the ARB and the Visits it will look better without it. You can keep the curb there if there is a curb.

Mr. Sheehan: I would like to see my understanding is that the fence and the columns or pillars up to the guide rail now?

Mr. Emanuel: So your recommendation it to remove the guide rail.

Mr. Sheehan: I think it would be easier and the guide rails would be in the way during construction and you would probably want to take it out.

Mr. Kraese: Take out the guide rail and put a curb there and plantings on the other side.

Mr. Emanuel: So we are going to remove the guide rail and replace it with a curb.

Mr. Sheehan: If there is not one there carry the plantings around it will look a lot nicer if you have curb plantings and a fence.

Mr. Emanuel: So we will remove the guide rail and replace it with a curb if needed and carry the planting area around to the side.

Mr. Sheehan: I am fine with that.

Mr. Kraese: The planting area is fine it is just the fact of the guide rail.

Mr. Emanuel: Done.

Chairman: Thank you Mr. Emanuel anything else Bill?

Mr. Sheehan: That one tree a six foot spruce.

Mr. Vadia: Yes that is right there.

Mr. Emanuel: Blue Spruce six or seven feet.

Chairman: Kevin any comments?

Mr. Maher: No.

Chairman: Now I will just open the Public Hearing and if you want of be heard just state your name and address and address the Boar.

George Potanovic 597 Old Gate Hill Road, President of SPCAE

Mr. Potanovic: When this new zoning amendment came up before the Town Board I spoke in favor of it I thought it was a reasonable idea. I came tonight not to oppose anything but to see how it was going to be implanted in this first application that the Board would be reviewing. A couple of questions that I have regarding some of the things Mr. Emanuel spoke about. First of all a parking study as he mentioned this parking lot has been severely under utilized for so long how to be base any kind of a parking study based on a extremely underutilized parking lot where there were no stores there and there is Aldi there now you are building this new business that will occupy and once you start to generate more business in a shopping center I am assuming it drives up the parking when you have all the stores operating the parking could increase. Now the Town has certain codes that were probably implemented when the original shopping center was built and maybe that has changed since then. What I was surprised to see is the percentage of which you are calling the outdoor storage space being utilized by one of the stores that would occupy the shopping center. Mr. Emanuel mentioned that only 54 percent of the parking in the center will be currently used or he projects that much when there is a full build out and we should be concerned when it reaches 85 percent again I do not know how you figure actual use of the parking lot. It seemed like a pretty high percentage of the parking lot for outdoor storage do you have an idea of how many square feet of outdoor storage would be used?

Mr. Vida: 16,000 plus square feet.

Mr. Potanovic: Now does the Planning Board consider that to be basically an expansion of the existing retail space of that store I remember when the Palisade Mall was being built and they were talking about how many stores would occupy the Palisade Mall by the way there will be in the mall carts that will be set up that will add to the retail space in an example like this what you are calling outdoor storage in effect what you are doing is you are adding to the square footage of the building by permitting the renter to display outside the building now. Is that considered to be

an expansion on the square footage of the building and if so do you base the parking requirements based on that.

Mr. Sheehan: To answer your question the square footage that the outdoor storage is taking up we associated 200 square foot per parking spot we added parking for that. That is why the parking calculations is much higher because not only did it take away but we added additional spots for (inaudible) The Town Board passed their new text amendment actually uses the same formula as an enclosed building. Tractor Supply could move in there tomorrow without Planning Board approval so any Traffic Study or parking calculations would not be required they could come and get a permit and move in. The reason they are before the Planning Board is the outside storage. Now we calculated 200 square feet per parking spot for retail now let's face it 90 percent of those areas are going to be storage so you are not going to have 1,600 square foot of people walking around buying stuff it is basically storage.

Mr. Potanovic: The third question I have is this particular store is taking a significant percentage of the parking lot and maybe you feel it is reasonable the amount they are taking what happens if one of the other stores in that shopping center wants to do the same thing and do a similar kind of modification and provide outdoor retail space for their store. How do you begin to divide up some kind of equitable amount of space? How do you begin to divide up what is available in the parking lot Mr. Emanuel is saying we are at 59 percent now and at 85 percent we should be concerned what happens if one of the other stores says this is a good idea we could expand some of our retail space out into the parking lot? Is there going to be sufficient space for them to do that and what an equitable way for you to divide it.

Mr. Kraese: I think it is pretty simple if anyone wants to do something has to make an application before the Planning Board and if it is not going to work it is not going to work.

Mr. Sheehan: Plus we are at 23 percent parking reduction the Planning Board can only go to 25 percent so obviously if they came here for 10,000 square foot of storage or retail outside they can only use the 2 percent that the Board could wave it would be part of the zoning variance and so forth. One of the reason the Town Board set up the text amendment this way was that you need to come back to the Planning Board to do that for example just it is an accessory use to the use by right doesn't mean (inaudible) they have to go through with it just because it is in the books it has to work and it has to meet the criteria and the parking and in this case if the Board grants a 23 percent reduction they only have 2 percent left. When the applicant submitted their parking calculations they did it as retail which is the worst case scenario.

Mr. Potanovic: It is kind of like a first come first serve bases it sounds like the first on in the door gets whatever they take is that a good policy I don't know.

Mr. Ferguson: They are all tenants it is not owner occupied.

Mr. Potanovic: I know you are giving favoritism to one store over another whether that makes sense as a policy.

Chairman: Any other comments.

Mr. Kraese: I make a motion to close the Public Hearing

**MOTION: CLOSE PUBLIC HEARING**

Made by Gene Kraese and seconded by Eric Jaslow

All in favor

Chairman: What I am going to do now but I want to thank you for working with the Planning Board an ARB and my members did spend a lot of time looking at this application they did numerous site visits we have visited the other sites in Chester and I have looked at their outdoor storage. What I like to do now is read the resolution and ask for a motion to approve.

# **RESOLUTION**

## **GRANTING**

### **AMENDED SITE PLAN APPROVAL**

#### **For The Project**

#### **TRACTOR SUPPLY COMPANY STONY POINT SHOPPING CENTER**

**BY APPLICATION OF:** Gator Investments, LLC, by Alberto Vadia, of 1595 NE 163<sup>rd</sup> Street, North Miami Beach, Florida 33162

WHEREAS, an application dated April 4, 2014, and short EAF dated May 12, 2014, has been submitted to the Planning Board of the Town of Stony Point for Amended Site Plan Approval for the proposed combination and use of two vacant tenant spaces in an existing shopping center and for the creation of an outdoor area for retail sales and storage of retail goods to be delivered to customers on the premises, and to operate the premises as a Tractor Supply Company retail store, and upon a submitted proposed site plan entitled “STONY POINT SHOPPING CENTER” consisting of eight (8) sheets, prepared by, Stephen Brascaglia, Architect, dated May 6, 2014 and last revised on June 16, 2014; and concerning premises designated as Section 20.04, Block 11, Lot 1 on the Tax Map of the Town of Stony Point, County of Rockland, located in an BU Zoning District, at 156 – 168 South Liberty Drive/Route 9-W, Stony Point, New York 10980; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, the Planning Board declared itself lead agency, and determined that this was a Type II Action; and

WHEREAS, by letters dated May 7, 2014 and June 16, 2014, the Rockland County Department of Planning, pursuant to the requirements of the General Municipal Law §239-1 & m, recommended modifications to the plan to include, inter alia, additional landscape plantings, the designation of areas on the plan for storage of snow to ensure sufficient parking in the winter months and that the comments and conditions set forth in the Rockland County Department of Highways letter of April 23, 2014 must be met; and

WHEREAS, by letter dated April 23, 2014, of the Rockland County Department of Highways, recommended that a traffic impact statement should be prepared to determine existing traffic conditions in the area and whether the proposed development may adversely impact county roads; and

WHEREAS, by letter dated April 30, 2014, the State of New York Department of Transportation recommended that the applicant conduct a Traffic Impact Study to study traffic impacts and propose mitigation to alleviate any adverse impacts due to change in land use of the proposed project; and

WHEREAS, this board referred the applicant to the Architectural Review Board of the Town of Stony Point, and by a Decision dated June 18, 2014, the ARB issued Conditional Approval of the application; and

WHEREAS, the Town Board of the Town of Stony Point, by Resolution dated June 24, 2014, approved certain amendments to the Town zoning code entitled, “Zoning Text Amendment in the BU District (Outdoor Storage)”, which permitted, among other changes, the outdoor retail sales and storage of retail goods in the BU zone district; and

WHEREAS, the applicant requested that the Planning Board exercise its discretion pursuant to the Town of Stony Point Code Section 215-34 (B), and permit a reduction of the required number of parking spaces from 366 to 282 parking spaces, a reduction of 22.95%, upon a representation that the total space available for local convenience commercial uses, including the proposed outdoor sales and storage area, is 73,746 square feet; and

WHEREAS, the applicant has submitted proof and demonstrated to this board that the parking capacity of 282 parking spaces is reasonable for a commercial retail store / outdoor retail sales/storage space of this size, that 282 spaces exceeds the design-hour requirement as compared with similarly situated businesses, that permitting 282 spaces will not induce patrons to park on or along Route 9W, that the total projected usage of the proposed 282 parking spaces, with full occupancy of the shopping center, is approximately 54%; and

WHEREAS, a duly noticed public hearing was held on May 22, 2014, at which date the public hearing was continued to June 26, 2014, at which time the hearing was conducted, concluded and closed.

NOW, THEREFORE, be it

RESOLVED that the plat submitted for approval of an Application for Amended Site Plan Approval for the proposed combination and use of two vacant tenant spaces in an existing shopping center and for the creation of an outdoor area for retail sales and storage of retail goods to be delivered to customers on the premises, and to operate the premises as a Tractor Supply Company retail store, and upon a submitted proposed site plan entitled "STONY POINT SHOPPING CENTER" consisting of eight (8) sheets, prepared by Stephen Brascalla, Architect, dated May 6, 2014, and last revised on June 16, 2014; and concerning premises designated as Section 20.04, Block 11, Lot 1 on the Tax Map of the Town of Stony Point, County of Rockland, located in an BU Zoning District, at 156 – 168 South Liberty Drive/Route 9-W, Stony Point, New York 10980, be and hereby is approved, and the Chairman is hereby authorized to sign same and to permit same to be filed in the office of the Town Clerk, upon payment of any and all outstanding fees to the Town, subject and conditioned upon the following:

1. Pursuant to Town of Stony Point Code Section 215-34 (B), the Applicant is granted a reduction of the required 366 parking spaces to 282 accessory off-street parking spaces, as depicted on the site plan, which reduction is less than 25% of the normally required amount.

2. This Board hereby overrides items 1 and 2 of the recommended modifications of the Rockland County Planning Department letter dated May 7, 2014, as reiterated in that Department's letter dated June 16, 2014 for the following reasons: The requirement of traffic studies for Route 9W and Filor's Lane, as requested by the New York State Department of Transportation and the Rockland County Highway Department are not reasonably related to the scope and magnitude of the relief sought by this applicant. The site is an already fully-developed retail site, which is being redeveloped. The additional retail area provided by the proposed site plan is not sufficient to have a significant impact on the state or county roads, especially since the main entrance to the shopping center is controlled by a traffic light at the intersection of these two roads. Furthermore, traffic studies were made in conjunction with the recent development of the Annie's Drive-In property immediately across Route 9W from the subject site.

3. All conditions of the Conditional Approval granted by the Architectural Review Board.

4. All other applicable site plan requirements set forth in the site plan regulations of the Town of Stony Point and consistent with the General Notes on the site plan.

5. The applicant is referred to the Zoning Board of Appeals for the purpose of obtaining variances from sign requirements.

6. The storage of retail goods and material shall be stacked no higher than the top of the fence enclosure of the designated outdoor storage area.

7. There shall be no signage placed upon the North, South or West sides of the fence which encloses the outdoor storage area.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on June 26, 2014, which resulted as follows:

There being six (6) votes in favor of the motion, and no (0) votes against the motion and no (0) abstentions thereto, the Chairman declared the motion carried and the Resolution was thereupon duly adopted.

THOMAS GUBITOSA, Chairman  
Town of Stony Point Planning Board

Filed in the Office of the Clerk of the Town of Stony Point on this 1st day of July 2014.

Hon. Joan Skinner, Town Clerk  
Town of Stony Point

MOTION: APPROVE RESOLUTION  
Made by Gene Kraese and seconded by Gerry Rogers  
All in favor

MOTION: CLOSE PLANNING BOARD MEETING  
Made by Gerry Rogers and seconded by Mike Ferguson

Respectfully submitted,  
Mary Pagano, Clerk to the Board